

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**STATION GVR ACQUISITION, LLC
d/b/a GREEN VALLEY RANCH
RESORT SPA CASINO**

Case No. 28-CA-224209

Respondent,

and

**LOCAL JOINT EXECUTIVE BOARD
OF LAS VEGAS, A/W UNITE HERE
INTERNATIONAL UNION,**

Charging Party.

**CHARGING PARTY'S REPLY IN OPPOSITION TO RESPONDENT'S RESPONSE
TO NOTICE TO SHOW CAUSE**

Submitted by:

Eric B. Myers
McCracken, Stemerman & Holsberry, LLP
595 Market Street, Suite 800
San Francisco, CA 94105
Telephone: 415-597-7200
Facsimile: 415-597-7201
E-Mail: ebm@msh.law
Attorneys for Charging Party

Charging Party Local Joint Executive Board of Las Vegas hereby replies in opposition to Respondent Station Acquisition, LLC dba Green Valley Ranch Resort Spa Casino's Response to Motion For Summary Judgment and Notice to Show Cause.

Respondent's response to the Notice to Show Cause attempts to relitigate the issues that the Board previously ruled upon in its July 18, 2018 denial of Respondent's request for review in 28-RC-208266. Section 102.67(g) of the Board's Rules and Regulations bars Respondent from seeking to relitigate those issues. *See* 29 C.F.R. 102.67(g); *see also Pittsburgh Plate Glass Co. v. NLRB*, 313 U.S. 146, 159-163 (1941); *Delek Refining, Ltd.*, 363 NLRB No. 41 (Nov. 13, 2015); *Fedex Freight, Inc.*, 362 NLRB No. 140 (June 30, 2015); *The George Washington University*, 346 NLRB 155 (2005), *enfd. per curiam* 2006 WL 4539237 (D.C. Cir. 2006); *Ovid Convalescent Manor, Inc.*, 264 NLRB 11 A, 775 (1982), *enfd. mem.* 732 F.2d 155 (6th Cir. 1984); *Lighthouse for the Blind of Houston*, 248 NLRB 1366, 1367 (1980), *enfd.* 696 F.2d 399 (5th Cir. 1983); *Boatel, Inc.*, 204 NLRB 896, 897 (1973), *enfd. mem.* 490 F.2d 990 (5th Cir. 1974); *Keco Industries, Inc.*, 191 NLRB 257, 258 (1971), *enfd.* 458 F.2d 1356 (6th Cir. 1972); *General Dynamics Corp.*, 187 NLRB 679, 680 (1971), *enfd. per curiam* 447 F.2d 1370 (5th Cir. 1971); *Westinghouse Broadcasting Company, Inc.*, 218 NLRB 693 (1975).

The Board correctly denied Respondent's request for review in the underlying representation case because it presented no grounds warranting such review. Respondent's effort to relitigate the theories is contrary to clearly established law. Summary judgment should be granted forthwith, and Respondent should be ordered to comply with its duty under the National Labor Relations Act to negotiate in good faith with the Charging Party.

Dated: September 12, 2018

Respectfully submitted,

/s/*Eric B. Myers*

Eric B. Myers
McCracken, Stemerman & Holsberry, LLP
595 Market Street, Suite 800
San Francisco, CA 94105
Phone: (415) 597-7200 Fax: (415) 597-7201
Email: ebm@msh.law

PROOF OF SERVICE
STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the city and country of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 595 Market Street, Suite 800, San Francisco, CA 94105.

I hereby certify that a true and correct copy of the foregoing document entitled **CHARGING PARTY'S REPLY IN OPPOSITION TO RESPONDENT'S RESPONSE TO NOTICE TO SHOW CAUSE** was filed using the National Labor Relations Board on-line E-filing system on the Agency's website and copies of the aforementioned were therefore served upon the following parties via electronic mail on this 12th day of September, 2018 as follows:

Cornele A. Overstreet, Regional Director
National Labor Relations Board Region 28
2600 North Central Avenue, Suite 1800
Phoenix, AZ 85004-3099

Cornele.Overstreet@nlrb.gov

Elise Oviedo, Esq.
National Labor Relations Board, Region 28
300 Las Vegas Boulevard South, Suite 2-901
Las Vegas, NV 89101

Elise.Oviedo@nlrb.gov

Harriet Lipkin
Kevin Harlow
Christine Yang
DLA Piper LLP
500 Eighth Street, NW
Washington, DC 20004

Harriet.Lipkin@dlapiper.com
Kevin.Harlow@dlapiper.com
Christine.Yang@dlapiper.com

Attorneys for Respondent

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 12, 2018 at San Francisco, California.

/s/Charles Gonzalez
Charles Gonzalez